

GUIDE FOR APPLYING FOR APPROVAL OF PERMIT TO TAKE WATER

SECTION 34

ONTARIO WATER RESOURCES ACT

R.S.O. 1990

INTERIM GUIDE

REGIONAL OPERATIONS

JUNE 2000

CONTENTS OF THIS DOCUMENT ARE
SUBJECT TO CHANGES WITHOUT FURTHER NOTICE

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FOREWORD

The Ministry of the Environment's approvals program for Permit to Take Water (PTTW) requires that all undertakings requiring approval under the Ministry legislation are carried out in accordance with all Acts, Regulations, Policies and Guidelines administered by the Ministry. These requirements are continually updated by the Ministry as environmental standards are modified to reflect changes and needs. As these requirements are changed, the information required to demonstrate compliance with them may also change. In recognition of this, the Ministry intends to periodically update this document to reflect the most current requirements.

While every effort has been made to ensure the accuracy of the information contained in this guide, it should not be construed as legal advice. If proponents/users of this guide have any doubts or questions regarding legal aspects of the document, they should consult their legal counsel.

For any addenda or revisions, users of this guide may contact the Regional Office listed in Appendix C.

GENERAL INSTRUCTIONS

1. Complete and submit one copy of the Application for Permit to Take Water (PTTW) to the Ontario Ministry of the Environment Regional Office appropriate to the location of your water taking (see Appendix C). If you are uncertain as to your need for a Permit, please enquire or complete and submit an Application and you will be advised whether a Permit is required.
2. If the applicant for the permit is a company, partnership or corporation, the person signing the application on behalf of the corporation must be someone who specifically is authorized by the corporation to do so. A copy of the business registration, such as the Articles of Incorporation from Ministry of Consumer and Commercial Relations, must also accompany the application.
3. If the applicant is not the owner of the land on which the water taking will occur and/or is not the owner of the water taking facility, the applicant must submit a letter of authorization from the owner of the property and/or water taking facility along with the Permit application form.
4. If the application is being made by an agent on behalf of the person(s) proposing the water taking, then a letter authorizing the agent to act on behalf of the applicant must accompany the Permit application form.
5. Where the application is made due to a change in ownership of the property and/or facility of an already permitted water taking, the new owner(s) must provide a copy of Articles of Amalgamation from Ministry of Consumer and Commercial Relations, or proof of acquisition of the company and/or property, with the Permit application.
6. All sections of the Application form must be completed. The letters "N.A." should be used where a section is not applicable to the proposed water taking. Approval of a Permit application will be delayed if necessary information, a signature and date, or the required diagram are missing. Incomplete applications will be returned with a request that it be properly completed and resubmitted.
7. If water is to be taken for the purposes of supplying a subdivision or multi-unit development of more than five residences, a Certificate of Approval is required under Section 52, Ontario Water Resources Act, from the Ministry of the Environment, Water and Wastewater Section, 2 St Claire Ave W., Toronto, Ontario, M4V 1L5 (Telephone 416-314-8001 - General Enquiry).
8. For proposed water taking by damming or diversion works, approval under the Lakes and Rivers Improvement Act is also required from the Ministry of Natural Resources. Contact your local Ministry of Natural Resources Office for information on that approval. The application for a Permit to Take Water (PTTW) must include a copy of the plans for the dam

or diversion works and a copy of the approval from the Ministry of Natural Resources. The applicant must also describe how the downstream flow will be maintained during and after the construction and filling of the pond, reservoir or diversion works, and any subsequent taking of water where applicable.

9. For water takings from surface water bodies, approval may also be required from the Department of Fisheries and Oceans Canada, the local Conservation Authority and/or the Ministry of Natural Resources regarding fish spawning areas and habitat concerns. To avoid delays in obtaining approval of the Permit to Take Water application, it is recommended that copies of letters of approval, or letters confirming that the appropriate agency(s) have no concerns with the proposed water taking, be included with the application form.
10. For takings from surface water bodies, information with respect to the availability of water relative to the proposed water taking needs to be considered prior to the Ministry approving the application. For a river, stream, creek, and/or spring, data on the historic water flow at the point of taking is required. For lakes, the area and depth of the lake, the total volume of the lake, whether the lake levels are controlled by dams, and the seasonal fluctuation of the lake levels is required. This information can be obtained from Environment Canada, the local Conservation Authority, or from an agency, such as the Trent-Severn Waterways, that is responsible for controlling the water levels in a surface water system. To avoid delays in obtaining approval of the Permit to Take Water application, it is recommended that the above information be included with the application form.
11. For water takings from the subsurface water bearing zones (groundwater), a determination of the potential for interference with existing groundwater uses and a statement of how that determination was made must be included with the Permit application form. For large groundwater takings, areas where there are numerous users of the groundwater resources, or in areas of hydrogeological complexity, it may be necessary to have a qualified professional investigate and report on the potential impact of the proposed water taking on the groundwater resources and existing uses. The report should also contain the details of a program to monitor and evaluate the actual impacts of the water taking on the groundwater resources, a contingency plan for mitigation of any interferences with established users, and the delineation of a groundwater level or circumstance that will trigger the implementation of the contingency plan. The evaluation of the potential impacts to the groundwater and plans to must be included with the Permit to Take Water (PTTW) application.
12. It is desirable to submit an Application for a Permit before constructing a well, for takings that will exceed 50,000 litres per day, it is desirable to submit an Application for a Permit. Any known limitations that may affect the granting of a Permit will be drawn to the applicant's attention at that time. It may not be possible for the applicant to provide all the required details concerning the taking before the well is constructed. Any revised or missing information should

be submitted after the well has been completed.

13. In areas where the proposed water taking is, or may potentially be, the focus of public concern, then it is recommended that the applicant consult with those persons who have an interest in the water resources in order to identify and address those concerns prior to applying for a Permit to Take Water (PTTW). Approval of a Permit application can be delayed if the Director receives comments from the public, the municipality or from other agencies either directly or through the Environmental Bill of Rights registry. Depending on the nature of the comments received, under Regulation 285 the Director may require the applicant to conduct consultations on any issues related to the water taking that require additional attention prior to the deciding whether to issue a Permit.
14. In indicating the amount of water to be taken by the proposed project, the applicant must state the current volume of water needed. If the proposed project will require additional volumes of water at a later date, then this should be stated in a letter included with the Permit application form. An applicant cannot reserve additional water for future use but must request an amendment to the Permit as the additional water needs arise. If a Permit Holder is taking less water than the volume that has been authorized by the Permit, then the Permit Holder must notify the Director of the decrease in the water needs. If a Permit Holder is found to be taking significantly less volumes than authorized by the Permit, the Director may issue a Notice reducing the amount of water authorized by the Permit.

COMPLETING THE APPLICATION FORM

The following information is designed to provide the applicant with guidance for completing the Permit to Take Water (PTTW) application form. The information is applicable to most water taking situations however if there are any questions regarding completion of the form, you may contact the Ministry of the Environment Regional Office in the area of the water taking for assistance.

NOTE: The following is not an application form. Parts of the form have been included in the text to help illustrate how to complete each section. A blank application form can be found in Appendix E at the back of this Guide.

1. Permit Information Box

<input type="checkbox"/> New Permit	Existing Permit No.
<input type="checkbox"/> Permit Renewal	
<input type="checkbox"/> Permit Amendment	

If you are applying for a new permit, check the appropriate box. If you are applying to renew or amend an existing Permit, put the permit number in the part labeled Existing Permit No. and check the appropriate box.

2. Applicant Information Box

Name of Applicant	Telephone No.
Address	Postal Code

If you are the individual or persons who will be the Permit Holder, print or type your name, address, postal code, and telephone number including area code in the appropriate boxes.

If it is an agency or company who will be the Permit Holder, print or type the legal name (including Ltd, Ltd., or Limited; Inc, Inc., or Incorporated as appropriate) of the agency or company, the legal address of the agency or company, postal code and telephone number in the appropriate boxes.

3. Section A

A Source of Water	
① Well(s): How many? Spring(s): How many?	② Lake, Stream or River Name (s)
③ Pond(s): How many? Type: <input type="checkbox"/> Dugout <input type="checkbox"/> By-Pass <input type="checkbox"/> On-Stream <input type="checkbox"/> Pit or Quarry	
④ Other: Type of Source	
⑤ Construction Date of Source	⑥ Date of Installation of Water Taking Equipment

- Part 1: If your proposed taking water is from a well(s) or from a spring(s), put the number of well(s) and/or spring(s) in the box. If your proposed water taking is not from a well(s) or spring(s) put N.A. in the appropriate areas(s).
- Part 2: If your proposed water taking is from a lake, river, stream or creek, put the name of the water body in the box. If the stream or creek is unnamed, put “unnamed tributary to” and add the name of the water body that the stream or creek empties into. If you are not taking from a lake, river, stream or creek, put N.A. in the box.
- Part 3: If your proposed taking is from a pond(s), put the number of ponds in the appropriate area and check off the box for the type of pond. A dugout pond is one that is excavated into the ground or wet land to collect rain and surface run-off and/or to intersect the underground water bearing zone. A by-pass pond is one that is constructed beside a watercourse and is filled by diverting water from the stream into the excavated pond. An on-stream pond is one that is constructed by either damming of the water course or by excavating or widening the water course to collect water. A pit or quarry refers to any excavation (including trenches) used to pump, drain or divert water from the property. If your proposed taking is not from a pond, then put N.A. next to the question “How many?”
- Part 4: If your proposed water taking is not any of the above sources, then describe the proposed source in the area provided. If your proposed water taking is from one of the above sources, put N.A. in this area.
- Part 5: For wells, works around springs, ponds and other types of sources, enter the date of construction of the source. The date must include the **day, month and year** of construction.
- Part 6: Enter the date or the proposed date of installation of the water taking equipment . The date must include the **day, month and year** of installation of the water taking equipment.

4. Section B.

B Location of Taking

Lot, Concession, Township or former Township and County or Region or District, or City, Town or Village with name of street and number

Are the proposed works located in an area of development control as defined by the Niagara Escarpment Planning and Development Act (NEPDA)

☐ Yes ☐ No (If Yes, attach copy of NEPDA permit)

The location of the property on which the proposed water taking will occur must be accurately identified. The order of preference for identification is as follows:

- a) UTM coordinates of the actual location of the taking, if available;
- b) Urban address, e.g., 123 John Street, Kingston, Ontario, or
Rural plan, e.g., Lot 3, Concession X, Township of Emily, Ontario, or
Municipal plan, e.g., Lot 3 and Part lot 4, Registered Plan 112, City of Toronto, Ontario;
- c) Township supported by map co-ordinates, e.g., 80°40' west longitude and 48°24' north latitude in the Township of Jocelyn, Ontario; or
- d) Township supported by approximate highway location, e.g., 500 kilometres east of Thunder Bay along Provincial Highway 17 in the Township of White River, Ontario.

The applicant must also indicate if the PTTW is located in an area of development control as defined by the Niagara Escarpment Planning and Development Act (NEPDA). To determine if the project falls under this legislation, applicants should contact the Niagara Escarpment Commission at any of their three local offices (Grimsby, Georgetown and Thornbury). **Any project that is subject to the NEPDA and has not received a development permit cannot be approved under the Ontario Water Resources Act.**

5. Section C

C Location of Water Use

☐ Same as B or

Lot Concession, Township or former Township and county or Region or District, or City, Town or Village with name of street and number _____

If the location of the proposed use of the water is the same location identified in Section B, then check the appropriate box. If the location of the proposed use of the water is not the same as identified in Section B,

then write the location in the appropriate area of Section C using the same format as you used for Section B.

6. Section D

D Purpose of Taking	
<input type="checkbox"/> Irrigation	<input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Municipal <input type="checkbox"/> Public Supply <input type="checkbox"/> Recreation
<input type="checkbox"/> Drinking Water	<input type="checkbox"/> Other (please describe)

Check the appropriate box for the purpose the water from the proposed water taking will be used.

Irrigation: the watering of crops, crops grown for sale, nursery stock, orchards, sod, irrigation of golf courses, pastures, greenhouses, public parks, institutional grounds.

Commercial: service stations, motels, snow making, car washes, arenas, shopping plazas, laundromats, restaurants (non-potable), cold storage sheds, fish hatcheries, aquiculture.

Industrial: thermal and hydro electric power generation, cheese factories, milk or food processing plants, factories, industrial cooling, air conditioning, steam boilers, hydrostatic testing of pipelines, mining and ore milling operations, gravel and crushed stone washing operations, dewatering of pits, quarries, mines construction excavations, road cuts, sewer and water main excavations.

Municipal: water pumped and distributed to industrial, commercial and residential areas.

Public Supply: schools, hospitals, churches, public washrooms, campgrounds, picnic grounds, conservation areas, defense installations, includes potable supplies.

Recreational: pond construction for recreational uses, swimming, stocking fish, aesthetic purposes + landscaping, or storage of water.

If the proposed use is water for human consumption, check the Drinking Water box. If the proposed use is not listed above, check the Other box and describe the proposed use of the water.

7. Section E

E Period of Water Taking (complete either section 1 or 2 below)

①	Taking to commence on _____ and to extend for a period of _____ <input type="checkbox"/> days <input type="checkbox"/> weeks <input type="checkbox"/> months <input type="checkbox"/> years					
②	Seasonal taking to extend from _____ to _____ each year for _____ (number of years)					

Part 1: If your proposed taking is a **one time, not to be repeated** water taking that will occur over a period of time that is less than 1 year, put in the date (day, month and year) that the water taking will begin, the number of days, weeks, or months that the taking will continue, and check the appropriate box (days, weeks or months)

If your proposed water taking will extend longer than 1 year, then put in the date (day, month and year) that the taking will begin, the number of months or years that it will continue, and check the appropriate box (months or years). NOTE: reservoirs or ponds that contain water throughout the year are considered a longer than 1 year taking even though the taking of water from the reservoir or pond may be seasonal.

Part 2: If your proposed water taking is seasonal, or does not occur throughout the entire year but will occur every year, then put the day and month that the taking will begin, the day and month that the taking will end, and the number of years that the taking will continue (e.g. Seasonal taking to extend from May 1 to Oct 31 each year for 10 (number of years)).

NOTE: The Director will not issue a Permit for more than 10 years. The Director may issue the Permit for a shorter period (term) than was requested by the applicant.

8. Section F

F Request Amount of Taking from each Source (if the taking involves the taking of water into storage, please state the amount of water taken into storage as well as the amount of water withdrawn from storage).

Source Number	Name of source or Description	Maximum amount taken per minute	Maximum amount taken per day	Number of hours of taking per day-maximum	Number of hours taken per day-average	Maximum number of days taking per year

Indicate unit of measure ☐ Litres ☐ Imperial Gallons ☐ U.S. Gallons

Use a separate row for **each** source from which water is to be withdrawn.

If the taking involves impounding or the taking of water into storage, then state the following:

1. The source, the amount and the timing of water taken into storage in one row;
2. The maximum volume of the storage pond, reservoir or tank as an amount per day and for the number of days that the storage facility will have water in it in the second row; and
3. The amount of water withdrawn from storage in a third row.

NOTE: Storage facilities that contain water throughout the year have a maximum number of days of taking per year of 365 day and are considered year-long takings.

Conversion factors:

1 foot = .3048 metres

1 cubic foot = 28.32 litres

1 Imperial Gallon = 4.54 litres

1 U.S. Gallon = 3.785 litres

4. Section G.

G Project/application description for purposes of EBR registry (brief description of proposal)

<div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div>

A brief description of the project must be included. This information will be used if a notice is placed on the Environmental Bill of Rights Registry. The Ministry reserves the right to change the wordings of the abstract in the notice, as required, in order that the public be correctly notified of the subject of the application.

The description should be less than 100 words. If more space is needed than provided in Section G, continue the description on a separate page and attach it to the application. Any additional information that might assist in the review and/or understanding of the proposed water taking can be included in a cover letter to the application or as an attachment.

The type of information that should be included in the description is as follows:

- a) Information obtained after an initial review of application.
- b) Source of water (ground water or surface water plus the name of the water body).
- c) Location of taking.
- d) The specific use for which the water is being taken, for example: industrial process cooling water, irrigation of golf course, aggregate washing, etc. (see examples given under Section D). For irrigation of crops, please state what the crop is (i.e. strawberries, forage/silage, fruit trees, sod, etc.).
- e) Period of water taking.
- f) Quantity (maximum requested).
- g) For bottled, bulk or containerized water, the packaged volume of the bottled water, the location of the bottling facilities, and the final destination of the product must be indicated.

9. Section H

H Environmental Bill of Rights requirements

Is this a proposal for a Prescribed Instrument under EBR?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If "Yes", is it excepted from public notification?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If it is excepted from public notification, provide reason	<input type="checkbox"/> Equivalent Public Participation	<input type="checkbox"/> Emergency
Tribunal	<input type="checkbox"/> Environmentally Insignificant	<input type="checkbox"/> EAA or amendment or Revocation
(Documentation in support of the above noted exception must be provided (refer to "Guide").)		

Regulation 681/94, "Ministry of the Environment Classification of Proposals for Instruments", lists the

types of proposals that are subject to EBR and their corresponding classifications.

Permits to Take Water are Class I Prescribed Instruments under EBR. All applications for Permits to Take Water will be Class I instruments except:

- a) Applications for a short term (< 1 year) increase in volume of water takings for irrigation of agricultural crops. Weather conditions may require these applications to be issued quickly which the public notification requirement of EBR would not permit.
- b) Applications for water takings for a period of less than one year. These short term takings are normally for pumping an aquifer to conduct yield tests, dewatering for construction, for hydrostatic testing of pipelines. Such activities are generally environmentally insignificant.

The EBR allows for exceptions to the public participation requirements under the conditions noted below. If applying for an exemption, additional information must be submitted to substantiate the need for an exemption for review by the Director. For each type of exemption, the information to be provided with the application is noted in italics.

- a) Emergency

The delay in allowing for public participation would result in danger to the health and safety of any person, harm or serious risk of harm to the environment, or injury, damage or serious risk of injury or damage to any property (section 29, EBR)

(The proponent must provide information that demonstrates that there is an emergency situation and that the proposal will minimize the effects resulting from the emergency situation.)

- b) Equivalent public participation

The environmentally significant aspects of the proposal have already been considered in a process of public participation substantially equivalent to that under the EBR (section 30, EBR).

(Details of the completed province-wide public participation including: type, verification of public participation, how it was conducted, number of people that participated, the type of public comments, actions taken as a result of the public comments and whether or not this Ministry's staff were involved.)

- c) EAA or tribunal decision

The proposal is a step towards the implementation of an undertaking approved by a decision made by a tribunal under an Act affording an opportunity for public participation or a decision made under the Environmental Assessment Act (section 32, EBR)

(The applicant must provide a copy of the EAA or tribunal decision and documentation that the proposal was considered in the decision making.)

d) Environmentally Insignificant

The application is for an amendment or a revocation of an existing permit where there will be an insignificant effect on the environment (section 22(3))

(The applicant must provide an explanation of the proposed amendment and demonstrate that there will be no significant impact on the environment. Examples of proposals that will have no environmental significance may include - company name change, requests to change the reporting requirements, revocation of permits/activities that are no longer in operation.)

10. Section I

I **Supporting information checklist. This is a list of supporting information attached to this application and is subject to the Freedom of Information and Protection of Privacy Act (FOI/OPA) and the Environmental Bill of Rights (EBR).**

SUPPORTING INFORMATION	ATTACHED?	REFERENCE	CAN BE DISCLOSED
Pre-application consultation with MOE	<input type="checkbox"/> yes <input type="checkbox"/> no		
Documentation Provided			
Description of the proposed works	<input type="checkbox"/> yes <input type="checkbox"/> no		<input type="checkbox"/> yes <input type="checkbox"/> no
Environmental Study Report (ESR)	<input type="checkbox"/> yes <input type="checkbox"/> no		<input type="checkbox"/> yes <input type="checkbox"/> no
Preliminary Report	<input type="checkbox"/> yes <input type="checkbox"/> no		<input type="checkbox"/> yes <input type="checkbox"/> no
Design Report/Brief	<input type="checkbox"/> yes <input type="checkbox"/> no		<input type="checkbox"/> yes <input type="checkbox"/> no
Hydraulic and Process Calculations	<input type="checkbox"/> yes <input type="checkbox"/> no		<input type="checkbox"/> yes <input type="checkbox"/> no
Final Plans and Specifications	<input type="checkbox"/> yes <input type="checkbox"/> no		<input type="checkbox"/> yes <input type="checkbox"/> no
Water Supply and Treatment			
Raw Water Quality Analysis	<input type="checkbox"/> yes <input type="checkbox"/> no		<input type="checkbox"/> yes <input type="checkbox"/> no
Hydro geological Report	<input type="checkbox"/> yes <input type="checkbox"/> no		<input type="checkbox"/> yes <input type="checkbox"/> no
Other Attached Information	<input type="checkbox"/> yes <input type="checkbox"/> no		<input type="checkbox"/> yes <input type="checkbox"/> no

Any additional information considered by the applicant to be helpful should be submitted with the application.

Examples of additional information are:

- a) Pumping test data for wells;
- b) Proposed procedures or principles of operating a dam - the reasons for and times of storing and releasing water, the maximum and minimum water-level elevations proposed in a reservoir, a stage-capacity curve of a reservoir, operating- rule curves for release of water;
- c) Details of water supply problems in the area;
- d) Details of the nature of a pond that is filled from a well to indicate whether it is fed in part by groundwater seepage or surface runoff;
- e) Hydrogeological reports;
- f) Environmental impact assessment reports.

Information contained in the application form is not considered confidential and will be made available to the public upon request. Certain information submitted as supporting information may be claimed as confidential but will be subject to the Freedom of Information and Protection of Privacy Act (FOI/POPA) and the Environmental Bill of Rights (EBR). If you do not claim confidentiality at the time of submitting the information, the Ministry may make the information available to the public without further notice to you.

11. Section J

J Statement of Applicant

I, the undersigned hereby declare that to the best of my knowledge, the information contained herein and the information submitted in support of this application is complete and accurate in every way. The applicant agrees to indemnify and save harmless the Crown in right of the Province of Ontario and its officers, employees, agents and contractors from and against all damages, loss, costs, claims, suits, injuries, demands, actions and proceedings resulting from or in any manner connected with act or omission of the applicant or any of its officers, employees, agents or contractors relating to this Application and any Permit, Renewal Permit or terms and conditions of a Permit issued in response to this Application. I understand that it is the policy of the Director in issuing a Permit to Take Water to impose the General Terms and Conditions appearing on the Guide for Applying for Permit to take Water.		
Name of Applicant or Agent/Official of Applicant (PLEASE PRINT)	Signature of Applicant or Agent of Applicant	Date (mm/dd/yy)

Print the name of the person signing the application in the first box. All applications must be signed and dated by the applicant or official agent representing the applicant. Where an agent signs on behalf of the applicant, a letter of authorization from the applicant must be included with the application.

If the applicant for the permit is a corporation, the person signing the application on behalf of the corporation must be someone who specifically is authorized by the corporation to do so. When an

application is signed by an official or a corporate representative, the status or position of the person(s) signing the application must be clearly indicated.

The application must be signed and dated in the appropriate boxes. Permit applications that have not been properly signed and dated will be returned as incomplete.

NOTE: It is the policy of the Director in issuing Permits to impose the General Terms and Conditions (see section in this Guide on General Terms and Conditions). **If you wish to bring special reasons or circumstances to the attention of the Director as to why certain of the General Terms and Conditions should not be imposed in issuing your Permit, enclose a letter to the Director, setting out the reasons and special circumstances which should be taken into consideration.**

12. Diagram of location of water taking.

A diagram of the exact location of the proposed water taking must be submitted with the application form.

A photocopy of the portion of a topographic which shows the area is preferred as it provides very accurate information and enables clear, accurate measurements of distances, etc. to be made. The following topographic maps are recommended

- a) 1:10,000 Ontario Base Map (available from the Ontario Ministry of Natural Resources)
- b) 1:50,000 National Topographic Series Map (available from Natural Resources Canada)

These maps, or copies of the maps, may be obtained from your local MNR District office or from Federal and Provincial Public Information Offices. Some Universities and Public Libraries may also have copies. A photocopy of the map may be attached to the application or affixed to the space on the Permit form.

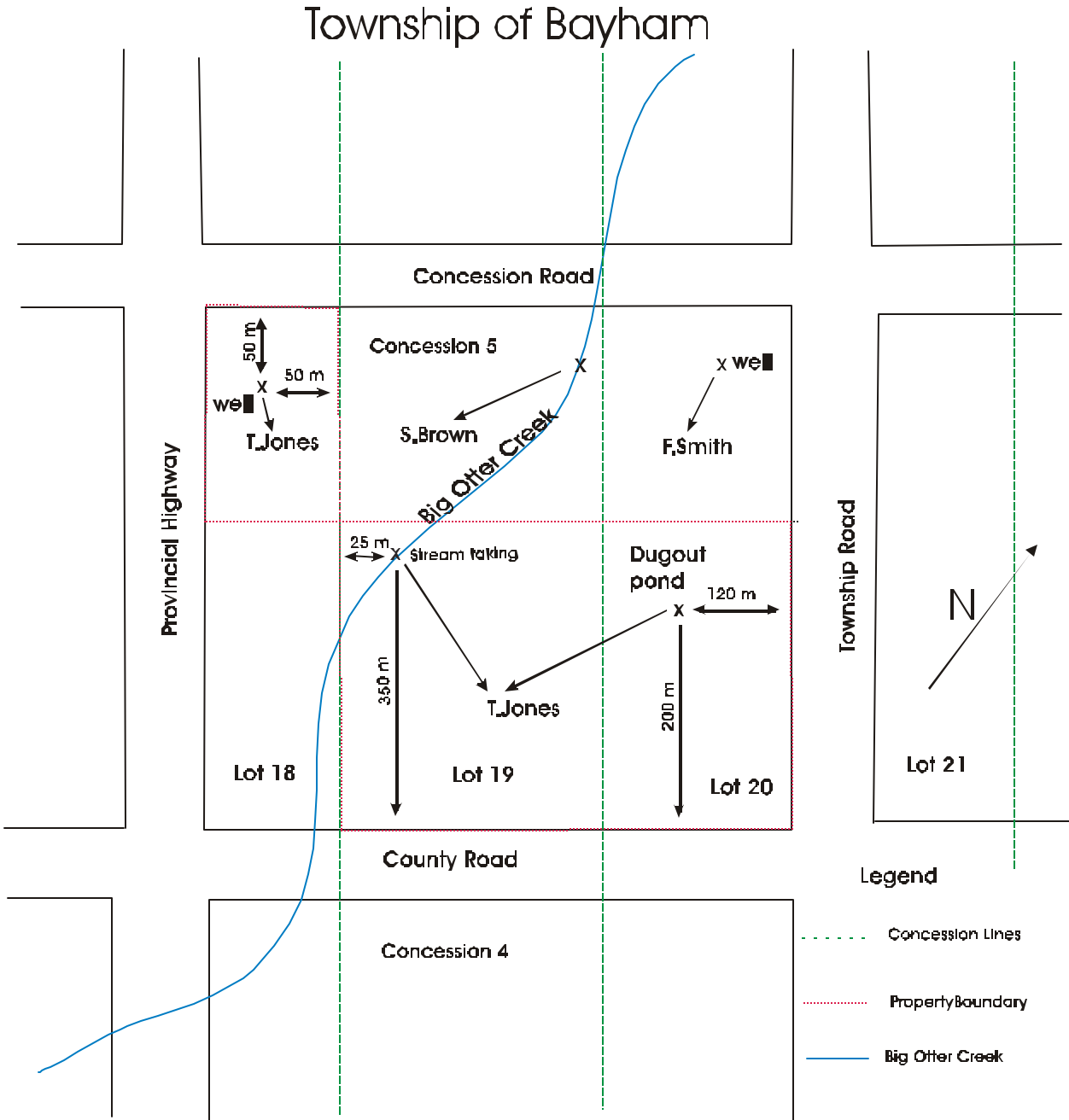
Alternatively, a diagram illustrating the exact location of the water taking may be submitted. This diagram should resemble the example shown below.

All diagrams or maps should illustrate or include the following information:

- a) UTM coordinates (Zone, Northings and Eastings) or Latitude and Longitude (Degrees, Minutes, Seconds) where possible.
- b) Township lot and concession numbers and township name(s);
- c) Boundaries of applicant's property;
- d) Locations and names of land owners of properties adjacent to the location of the water taking;
- e) Location(s) of proposed taking(s) or diversion(s);
- f) Locations of all wells, intakes, dams, and diversion works within 500 metres of proposed taking(s).

An example of a suitable diagram showing the locations of three sources of water taking by Mr. T.Jones

X: Location of water taking
Be sure to indicate if you are taking from a stream, dugout pond, well etc.



APPENDIX A

Ontario Water Resources Act, R.S.O. 1990
Section 34 and Section 98

Ontario Water Resources Act, R.S.O. 1990

The Ontario Water Resources Act, Section 34, reads as follows:

Interpretation 34(1) In this section, reference to the taking of water for use for domestic or farm purposes means the taking of water by any person other than a municipality or a company public utility for ordinary household purposes or for the watering of livestock, poultry, horns gardens or lawns, but does not include the watering or irrigation of crops grown for sale.

Idem (2) In subsection (4), the reference to the taking of water for the watering of livestock or poultry does not include the taking of surface water into storage for the watering of livestock or poultry.

Taking of water regulated (3) Despite any general or special Act or any regulation or order made thereunder and subject to subsection (5), no person shall take more than a total of 50,000 litres of water in a day.

(a) by means of a well or wells that are constructed or deepened after the 29th day of March, 1961; or

(b) by means of an inlet or inlets from a surface source of supply, where the inlet or inlets is or are installed in the source of supply or is or are enlarged after the 29th day of March, 1961; or

(c) by means of a structure or works constructed after the 29th day of March, 1961 for the diversion or storage of water; or

(d) by any combination of the means referred to in clauses (a), (b) and (c), without a Permit issued by a Director.

Where taking of water interferes with other person's interest in water (4) Despite any general or special Act or any regulation or order made thereunder, where the taking of water for any purpose, other than the taking of water by any person except a municipality or company public utility for use for ordinary household purposes or for the watering of livestock or poultry and other than taking of water by any person for firefighting, interferes, In the opinion of a Director, with any public or private interest In any water, the Director may, by notice served on or sent by registered mail to the person who is taking or is responsible for the taking of water that so interferes, prohibit the person from so taking water without a permit issued by the Director.

Application to domestic and (5) Subsection (3) does not apply to the taking of water by any person for use for domestic or farm purposes or for firefighting.

farm use

Permit

(6) A Director may in his or her discretion issue, refuse to issue or cancel a permit, may impose such terms and conditions in issuing a permit as he or she considers proper and may alter the terms and conditions of a permit after it is issued.

*Flowing or
leaking of
water from
well etc.,
regulated*

(7) Where the flowing or leaking of water from a well, or the diversion, flowing or release of water from or by means of a hole or excavation made in the ground for any purpose other than the taking of water, interferes, in the opinion of a Director with any public or private interest in any water, the Director may, by notice served on or sent to the person who constructed or made such well, hole or excavation or to the registered owner of the land in which such well, hole or excavation is located, require the person or owner to stop or regulate such flowing, leaking, diversion or release of water in such manner and within such time as the Director may direct, or require such person or owner to take such measures in relation to such flowing, leaking, diversion or release of water as the notice may require.

Offences

(8) Every person who contravenes,

(a) subsection (3) or (4);

(b) a notice served on him, her or it or received by him, her or it or on his, her or its behalf under subsection (4) or (7); or

(c) any of the terms and conditions of a permit issued by a Director, is guilty of an offence. R.S.O. 1990, c.0.40, s.34.

Section 98 reads as follows:

*False
information*

98. Every person who knowingly gives false information in any application, return or statement made to the Minister or an employee of the Ministry in respect information of any matter under this Act or the regulations made under this Act is guilty of offence.

APPENDIX B

REGULATION 285/99

O. REG 285/99
FILED, APRIL 30 1999
GAZETTE MAY 15 1999

PO308.E/OWRA-ENV-18-SLS
6-DB

REGULATION MADE UNDER THE ONTARIO WATER RESOURCES ACT

WATER TAKING AND TRANSFER

GENERAL

1. The purpose of this Regulating is to provide for the conservation, protection and wise use and management of Ontario's waters, because Ontario's water resources are essential to the long-term environmental, social and economic well-being of Ontario.

PERMITS FOR TAKING WATER

2.(1) A Director who is considering an application under section 34 of the act for a permit to take water shall consider the following matters, to the extent that each is relevant, in accordance with the procedures set out in the Ministry of the Environment publication entitled "Permits to Take Water, Guidelines and Procedures Manual, 1999", as amended from time to time:

1. Protection of the natural functions of the ecosystem.
2. Ground water that may affect or be affected by the proposed surface water taking, if the application is for a permit to take surface water.
3. Surfaced water that may affect or be affected by the proposed groundwater taking, if the application is for a permit to take ground water.

(2) A Director who is considering an application under section 34 of the Act for a permit to take water shall consider the interests of persons who have an interest in the taking, to the extent that those interests are relevant.

(3) A Director who is considering an application under section 34 of the Act for a permit to take water may consider the following matters in accordance with the procedures set out in the Ministry of the environment publication entitled "Permits to Take Water, Guidelines and Procedures Manual, 1999", as amended from time to time:

1. Existing and planned livestock uses of the water
2. Existing and planned municipal water supply and sewage disposal uses of the water.
3. Existing and planned agricultural uses of the water, other than livestock uses.
4. Existing and planned private domestic uses of the water.
5. Other existing and planned uses of the water.
6. Whether is in the public interest to grant the permit.
7. Such other matters as the Director considers relevant.

(4) A Director who is considering an application under section 34 of the act for a permit to take water shall ensure that Ontario's obligations under the great Lakes charter with respect to the application are complied with.

(5) Subject to subsection (4), a Director who is considering an application under section 34 of the Act for a permit to take water may ensure that governmental authorities for other jurisdictions are notified of the Great Lakes Charter.

(6) A Director who is considering an application under section 34 of the Act for a permit to take water may require the applicant to,

- (a) Consult with other persons who have an interest in the taking, including governmental authorities for other jurisdictions;
- (b) Provide the Director with information on the interests of and responses of the persons

consulted under clause (a); and

- (c) Provide the Director with such other information as is specified by the Director.

(7) In this section,

“Great Lakes Charter” means the Great Lakes Charter signed by the premiers of Ontario and Quebec and the governors of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin on February 11, 1985.

WATER TRANSFER

3.(1) For the purposes of this section, Ontario is divided into the following three water basins:

1. The Great Lakes - St Lawrence Basin, which consists of Lake Ontario, Lake Erie, Lake Huron, Lake Superior, The St Lawrence River and the part of Ontario the water of which drains into any of them, including the Ottawa River and the part of Ontario the water of which drain into the Ottawa River.
2. The Nelson Basin, which consists of the part of Ontario the water of which drains into the Nelson River.
3. The Hudson Bay Basin, which consists of the part of Ontario, not included in the Nelson Basin, the water of which drains into Hudson Bay or James Bay.

(2) No person shall use water by transferring it out of a water basin.

(3) Subsection (2) does not apply to water that is use in the water basin to manufacture or produce a product that is then transferred out of the water basin.

(4) For the purpose of subsection (3), potable or other water is not a manufactured or produced product.

(5) Subsection (2) does not apply to water that is being transported and that is necessary for the operation of the vehicle, vessel or other form of transport that the water is being transported in, including water that is for the use of people or livestock in or on the vehicle, vessel or other form of transport.

(6) Subsection (2) does not apply to water packaged in a container having a volume of 20 litres or less.

(7) Subsection (2) does not apply to an undertaking that commenced before January 1, 1998 if the amount of water transferred out of a water basin by the undertaking in any calendar year after December 31, 1997 does not exceed the highest amount of water transferred out of the water basin by the undertaking in any calendar year after December 31, 1960 and before January 1, 1998.

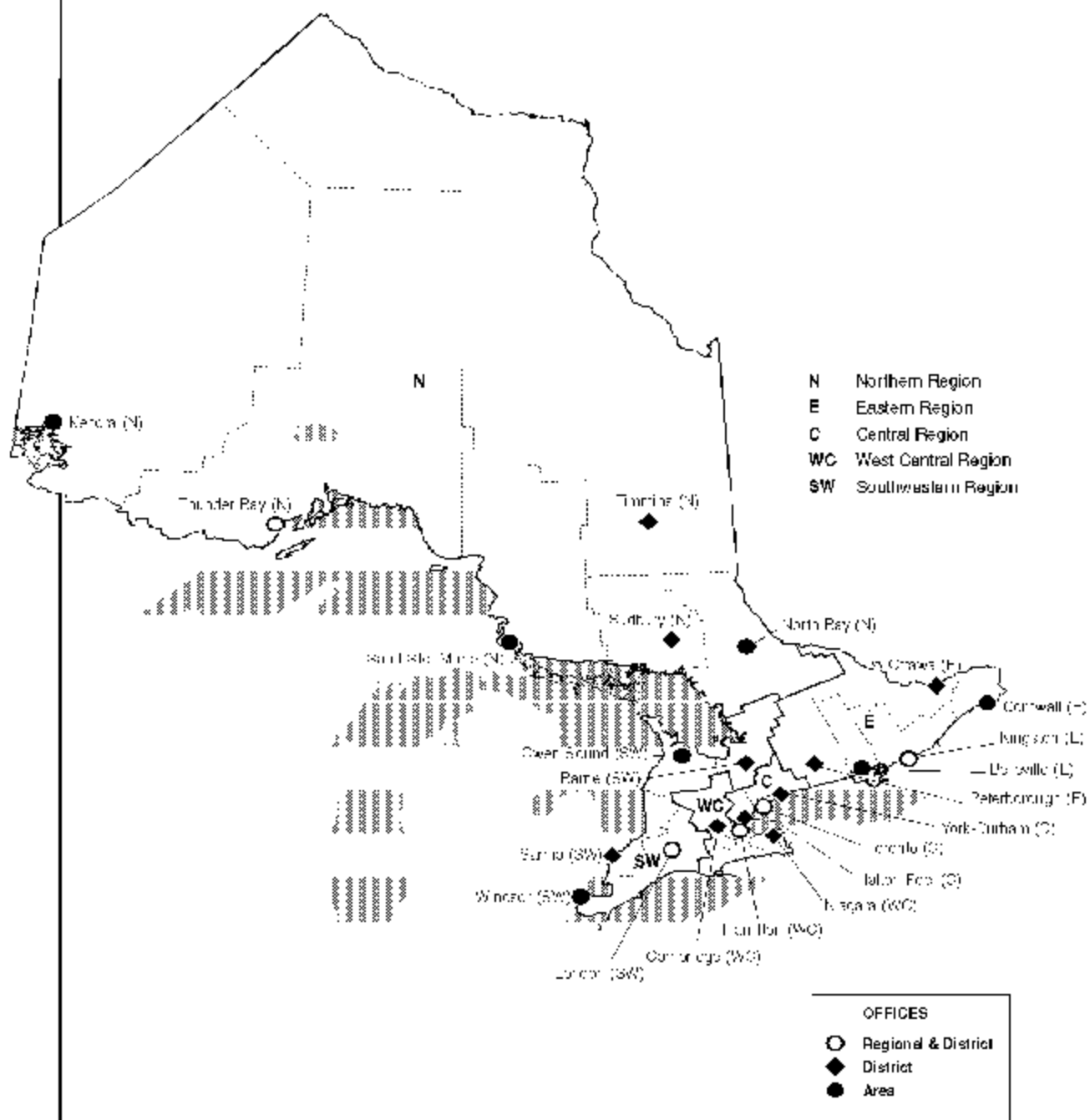
(8) Subsection (2) does not apply to water taken pursuant to the order of the Lieutenant Governor in Council dated October 2, 1913 respecting the Greater Winnipeg Water District.
30 April 1999

APPENDIX C

**MINISTRY OF THE ENVIRONMENT
REGIONAL OFFICES**

MAP AND ADDRESSES

MINISTRY'S FIVE REGIONS AND THEIR OFFICES



Address all correspondence or enquires to the attention of the Ontario Ministry of Environment, Director, Permit to Take Water Program at the Regional Office corresponding to your water taking.

Northern Region

Thunder Bay Regional Office
435 James Street South, Suite 331
Thunder Bay, Ontario
P7E 6S7
Telephone: (807) 475-1205
1-800-875-7772
Fax: (807) 475-1754

Sudbury District Office
199 Larch Street. Ste1101
Sudbury, Ontario
P3E 5P9
Telephone: (705) 564-3237
1-800-890-8516
Fax: (705) 564-4180

West -Central Region

Hamilton Regional Office
119 King Street West, 12th Floor
Hamilton, Ontario
L8P 4Y7
Telephone: (905) 521-7640
1-800-668-4557
Fax: (905) 521-7820

Eastern Region

Kingston Regional Office
Box 820
133 Dalton Avenue
Kingston, Ontario
K7L 4X6
Telephone: (613) 549-4000
1-800-267-0974
Fax: (613) 548-6908

Southwestern Region

London Regional Office
659 Exeter Rd., 2nd Floor
London, Ontario
N6E 1L3
Telephone: (519) 873-5000
1-800-265-7672
Fax: (519) 873-5020

Central Region

Toronto Regional Office
5775 Young Street, 8th Floor
North York, Ontario
M2M 4J1
Telephone: (416) 326-6700
1-800-810-8048

Fax: (416)325-6345

APPENDIX D

APPLICATION FORM
PERMIT TO TAKE WATER

Information requested by this form is collected under the authority of the Ontario Water Resources Act, R.S.O. 1990, Chapter 0.40 (OWRA) and the Environmental Bill of Rights, Statutes of Ontario, 1993, Chapter 28 (EBR). The purpose of the Permit is to regulate water takings in order to promote efficient development and equitable use of surface and ground waters.

<input type="checkbox"/> New Permit <input type="checkbox"/> Permit Renewal <input type="checkbox"/> Permit Amendment		Existing Permit No.
Name of Applicant		Telephone No.
Address		Postal Code

Application Particulars

Please read instructions on the Guide for Applying for Approval of Permit to Take Water ("Guide") and ensure that all sections of the application are completed in full, especially the section of Request Amount of Taking from each Source and project/application description for purposes of EBR registry.

Submit a diagram of the area of this water taking. Diagram, instructions and example are shown in the "Guide". If the taking is from a groundwater source, then a diagram indicating any wells within 500 metres of the taking must be submitted.

If there are questions concerning the application, please contact the corresponding Ministry of Environment and Regional Office listed in the "Guide".

A Source of Water

① Well(s): How many? Spring(s): How many?	② Lake, Stream or River Name (s)
③ Pond(s): How many? Type: <input type="checkbox"/> Dugout <input type="checkbox"/> By-Pass <input type="checkbox"/> On-Stream <input type="checkbox"/> Pit or Quarry	
④ Other: Type of Source	
⑤ Construction date of Source	⑥ Date of installation of Water Taking Equipment

B Location of Taking

Lot, Concession, Township or former Township and County or Region or District, or City, Town or Village with name of street and number _____ _____ Are the proposed works located in an area of development control as defined by the Niagara Escarpment Planning and Development Act (NEPDA) <input type="checkbox"/> Yes <input type="checkbox"/> No (If Yes, attach copy of NEPDA permit)
--

C Location of Water Use

<input type="checkbox"/> Same as B or
Lot Concession, Township or former Township and county or Region or District, or City, Town or Village with name of street and number _____ _____

D Purpose of Taking

<input type="checkbox"/> Irrigation <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Municipal <input type="checkbox"/> Public Supply <input type="checkbox"/> Recreation
<input type="checkbox"/> Drinking Water <input type="checkbox"/> Other (please describe)

E Period of Water Taking (complete either section 1 or 2 below)

① Taking to commence on _____ and to extend for a period of _____ <input type="checkbox"/> days <input type="checkbox"/> weeks <input type="checkbox"/> months <input type="checkbox"/> years
② Seasonal taking to extend from _____ to _____ each year for _____ (number of years)

F Request Amount of Taking from each Source (if the taking involves the taking of water into storage, please state the amount of water taken into storage as well as the amount of water withdrawn from storage).

Source Number	Name of source or Description	Maximum amount taken per minute	Maximum amount taken per day	Number of ours of taking per day-maximum	Number of hours taken per day-average	Maximum number of days taking per year

Indicate unit of measure ☐ Litres ☐ Imperial Gallons ☐ U.S. Gallons

G Project/application description for purposes of EBR registry (brief description of proposal)

H Environmental Bill of Rights requirements

Is this a proposal for a Prescribed Instrument under EBR? ☐ Yes ☐ No

If "Yes", is it excepted from public notification? ☐ Yes ☐ No

If it is excepted from public notification, provide reason ☐ Equivalent Public ☐ Emergency ☐ Participation

☐ Environmentally Insignificant ☐ EAA or Tribunal Decision

Amendment or revocation

Documentation is support of the above noted exception must be provided (refer to "Guide").

I Supporting information checklist. This is a list of supporting information attached to this application and is subject to the Freedom of Information and Protection of Privacy Act (FOI/POPA) and the Environmental Bill of Rights (EBR).

SUPPORTING INFORMATION	ATTACHED?	REFERENCE	CAN BE DISCLOSED
Pre-application consultation with MOE	<input type="checkbox"/> yes <input type="checkbox"/> no		
Documentation Provided			
Description of the proposed works	<input type="checkbox"/> yes <input type="checkbox"/> no		<input type="checkbox"/> yes <input type="checkbox"/> no
Environmental Study Report (ESR)	<input type="checkbox"/> yes <input type="checkbox"/> no		<input type="checkbox"/> yes <input type="checkbox"/> no
Preliminary Report	<input type="checkbox"/> yes <input type="checkbox"/> no		<input type="checkbox"/> yes <input type="checkbox"/> no
Design Report/Brief	<input type="checkbox"/> yes <input type="checkbox"/> no		<input type="checkbox"/> yes <input type="checkbox"/> no
Hydraulic and Process Calculations	<input type="checkbox"/> yes <input type="checkbox"/> no		<input type="checkbox"/> yes <input type="checkbox"/> no
Final Plans and Specifications	<input type="checkbox"/> yes <input type="checkbox"/> no		<input type="checkbox"/> yes <input type="checkbox"/> no
Water Supply and			
Raw Water Quality Analysis	<input type="checkbox"/> yes <input type="checkbox"/> no		<input type="checkbox"/> yes <input type="checkbox"/> no

Hydro geological Report	<input type="checkbox"/> yes <input type="checkbox"/> no		<input type="checkbox"/> yes <input type="checkbox"/> no
Other Attached Information	<input type="checkbox"/> yes <input type="checkbox"/> no		<input type="checkbox"/> yes <input type="checkbox"/> no

J Statement of Applicant

I, the undersigned hereby declare that to the best of my knowledge, the information contained herein and the information submitted in support of this application is complete and accurate in every way. The applicant agrees to indemnify and save harmless the Crown in right of the Province of Ontario and its officers, employees, agents and contractors from and against all damages, loss, costs, claims, suits, injuries, demands, actions and proceedings resulting from or in any manner connected with act or omission of the applicant or any of its officers, employees, agents or contractors relating to this Application and any Permit, Renewal Permit or terms and conditions of a Permit issued in response to this Application.
I understand that it is the policy of the Director in issuing a Permit to Take Water to impose the General Terms and Conditions appearing on the Guide for Applying for Permit to take Water.

Name of Applicant or Agent/Official of Applicant (please print)	Signature of Applicant or Agent of Applicant	Date
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Diagram of Location of Water Taking